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*Attorneys for Defendants George Kornec, Philip Nappo, and
Intermountain Mining and Refining, LLC*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA, Plaintiff, v. GEORGE KORNEC, PHILIP NAPPO, INTERMOUNTAIN MINING AND REFINING, LLC, Defendants.	Cause No. CV-15-78-H-CCL UNOPPOSED MOTION TO AMEND SCHEDULING ORDER
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Come now Defendants and Counterclaim Plaintiffs George Kornec, Philip Nappo, and Intermountain Mining and Refining, LLC (collectively “Defendants”) and hereby move the Court to amend the Scheduling Order dated June 10, 2016 (docket 32). The basis for this Motion is that Defendants have been discussing possible resolution of this matter with Plaintiff. The parties have been unable to meet in person until now due to several unforeseen issues and problems including: 1) Counsel Fred Kelly Grant spent several months in the hospital this Spring and Summer as a result of acute respiratory problems, 2) Defendant George Kornec was diagnosed with cancer earlier this year and, despite efforts to treat it, ultimately died on June 17, 2016, and 3) the Forest Service has had rigorous demands on its time and resources as a result of the fire season. Nevertheless, with these issues largely resolved (to the extent that they can be) the parties have progressed such that they are actively in the process of scheduling a sit down meeting to further discuss negotiations, and all parties are in favor of such approach first before proceeding with motions for summary judgment with supporting briefs and statements of undisputed facts.

In accordance with L.R. 7.1(c)(3), a copy of a proposed Order amending the Scheduling Order and the deadlines therein is attached hereto as Exhibit A.

In accordance with L.R. 7.1(c)(1), counsel for Defendants contacted counsel for Plaintiff. Counsel for Plaintiff does not object to this motion and is in favor of this motion.

DATED September 1, 2016.

JARDINE, STEPHENSON, BLEWETT & WEAVER, P.C.

By: /s/ Joshua I. Campbell

Attorneys for Defendants George Kornec, Philip Nappo, and
Intermountain Mining and Refining, LLC

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2016, a copy of the foregoing document was served on the following persons by the following means:

1, 2 CM/ECF
 Hand Delivery
 Mail
 Overnight Delivery Service
 Fax
 E-Mail

/s/ Joshua I. Campbell

1. Clerk, U.S. District Court
2. Michael W. Cotter
Victoria L. Francis
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